

Chapter 21.1

LITTER CONTROL*

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ARTICLE I. TITLE AND DEFINITIONS

Sec. 21.1-1. Title.

This ordinance shall be known and may be cited as the “Lynchburg Litter Control Ordinance.” (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-2. Definitions.

The following definitions shall apply to these words when used in this chapter:

(a) Litter means all waste materials, odor-producing or nonodor-producing, including, but not limited to, bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, garbage, cigarettes and cigarette stubs including cigar butts, building materials, disposable packages or containers thrown or deposited as prohibited herein.

(b) Person means any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary or representative or group of individuals or entities of any kind.

(c) Private property means property owned by any person, as defined herein, including, but not limited to, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, any body of water, vacant land and recreational facilities.

(d) Public property means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including, but not limited to, highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.

(e) Vehicle means every device capable of being moved upon a public highway or public waterway and then upon or by which any person or property may be transported or drawn upon a public highway or public waterway.

(f) Litter receptacle means a container with the capacity of not less than ten (10) gallons, constructed and placed for use as a depository for litter.

(g) Institution means any public or private establishment which educates, instructs, treats for health purposes, or otherwise performs a service or need for the community, region, state or nation.

(h) Public place means any area that is used or held out for use by the public whether owned or operated by public or private interests.

(i) Construction site means any residential, commercial, industrial or other area, lot or site, where construction of any type is conducted, including roads, buildings and all other places where construction, renovation or demolition, active or inactive, is underway.

*Cross reference—Duty of customers not to litter, § 21-5.

(j) Bulk waste means items of residential litter, including furniture, appliances, large cartons or similar materials which cannot be placed in containers in accordance with the regulations herein set forth.

(k) Business waste means any item of litter which results from the production, storage or sale of merchandise, materials or services.

(l) Construction hauler means any private person, partnership, corporation or association engaged in any aspect of the collection, transportation or disposal of any refuse within the corporate limits of the City of Lynchburg.

(m) Construction waste means any building material or litter resulting from erecting, repairing, remodeling or demolishing a structure.

(n) Demolition waste means any building material resulting from the removal or razing of a structure.

(o) Hazardous waste means any material which the city deems to be potentially dangerous, including, but not limited to, materials which are explosive, combustible, toxic, disease-causing or radioactive.

(p) Site clearance materials means any items such as boulders, rocks, tree trunks, stumps or limbs exceeding two (2) inches in diameter.

(q) Yard trimmings means any grass, woods, leaves, plant trimmings or similar matter which can be placed in containers in accordance with the regulations herein set forth.

(r) Contractor means the owner or agent in charge of a construction, development or demolition site. (Ord. No. O-85-113, § 1, 5-28-85; Ord. No. O-99-196, 8-10-99)

ARTICLE II. VIOLATIONS

Sec. 21.1-3. Littering prohibited.

(a) It shall be unlawful for any person to drop, deposit, discard, throw, leave or otherwise dispose of litter in or upon any public or private property within the City of Lynchburg except in public receptacles, or in authorized private receptacles provided for public use, or in an area designated by the state department of health as a permitted disposal site.

(b) Whenever any public or private dumpster or other receptacle has been specifically designated by signs or markings for the disposal of recyclable materials only, it shall be unlawful for any person to dispose of any litter, refuse, or waste in such dumpster or receptacle other than those recyclable materials that have been designated as appropriate for such dumpster or receptacle.

(c) When a violation of the provisions of this section has been observed by any person, and the litter dumped or disposed of in the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such litter; provided, however, that such presumption shall be rebuttable by competent evidence.

(d) When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of on the street, highway, right-of-way, or public or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of Section 25-21 of this code in making such arrest. (Ord. No. O-85-113, § 1, 5-28-85; Ord. No. O-90-034, 2-13-90)

ARTICLE III. DUTY OF BUSINESS OWNERS, PROPERTY OWNERS, OCCUPANTS**Sec. 21.1-4. Commercial establishments and institutions.**

(a) Generally. It shall be the duty of each owner, occupant, proprietor or operator of any business, industry or institution situated within the city at all times to keep his premises clean of litter thrown or left on the premises by customers or generated by the business's, industry's or institution's operation, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises. The premises include, but are not restricted to, public and private sidewalks, roads, street gutters, alleys, grounds, parking lots, loading and unloading areas and all vacant lots which are owned or leased by said establishment or institution or are adjacent thereto.

(b) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to customers and employees of any business, industry or institution where articles of waste referred to in subsection (a) may be disposed of.

(c) Signs. Each and every business establishment, industry or institution shall place upon its premises in conspicuous places and in close proximity to the receptacles required by subsection (b) signs which shall, in essence, convey to its customers and employees a request that they use such receptacles for the disposal of waste material. (Ord. No. O-85-113, § 1, 5-28-85; Ord. No. O-99-196, 8-10-99)

Sec. 21.1-5. Keeping the residential property clean.

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but shall not be restricted to, adjoining sidewalks, streets and alleys, yards and grounds, fences, walls and property lines, drainages and vacant lots in residential areas. (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-6. Keeping side walks clean.

Each owner, agent, occupant or lessee whose property adjoins the City of Lynchburg's sidewalks, or parkways between streets and sidewalks, shall be responsible for keeping said sidewalks and parkways free of litter. (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-7. Sweeping litter into the streets.

It shall be unlawful to sweep or push litter from sidewalks, yards or any other areas into the public streets, alleys or rights-of-way. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animals. (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-8. Construction and demolition sites.

The contractor in charge of a construction, development or demolition site shall furnish litter receptacles to collect and contain litter and to prevent the scattering of bulk litter on a daily basis. All litter shall be removed from such site as often as necessary to prevent offensive odors and/or health hazards. No certificate of occupancy shall be issued until the site is litter-free. (Ord. No. O-85-113, § 1, 5-28-85)

ARTICLE IV. LITTER RECEPTACLES**Sec. 21.1-9. Proper litter receptacles or solid waste containers.**

Any receptacle or container which does not conform to the requirements of Chapter 21, Garbage and Refuse, of the Lynchburg City Code, shall be replaced by the owner. Failure to do so within five (5) days' written notice by the city shall constitute a violation of this section, and each day thereafter shall constitute a separate violation. (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-10. Use of receptacles.

It shall be unlawful to deposit any item or items, except litter, in any receptacle placed for public use as a depository of litter. (Ord. No. O-85-113, § 1, 5-28-85)

Sec. 21.1-11. Providing adequate litter receptacles.

It shall be the duty of any person owning or operating any establishment or public place to provide litter receptacles adequate to contain litter generated at said establishment. (Ord. No. O-85-113, § 1, 5-28-85)

ARTICLE V. PENALTIES

Sec. 21.1-12. Penalties.

Violations of the provisions of this chapter shall be punishable as follows:

(a) For the first offense, a minimum fine of fifty dollars (\$50.00), but not to exceed five hundred dollars (\$500.00).

(b) For the second violation within one (1) year, a minimum fine of one hundred dollars (\$100.00), but not to exceed five hundred dollars (\$500.00).

(c) For the third or subsequent violation within one (1) year, a minimum fine of five hundred dollars (\$500.00) with a ten (10) day jail sentence, but not to exceed one thousand dollars (\$1,000.00) with a ten (10) day jail sentence. (Ord. No. O-85-113, § 1, 5-28-85; Ord. No. O-90-234, 7-10-90)

Sec. 21.1-13. Severability clause.

If any of the provisions of this ordinance are held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions of this ordinance. (Ord. No. O-85-113, § 1, 5-28-85)